

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TORY LAMONT SHAW, JR., a minor)
by next friend and guardian,)
KENSHIA JEFFERSON,)
Plaintiff,)
v.) No. 04-2398 Ml/V
LA PETITE ACADEMY, INC.,)
Defendant.)

**ORDER DENYING DEFENDANT'S FIRST MOTION FOR
SUMMARY JUDGMENT AS MOOT**

Before the Court is Defendant's Motion for Summary Judgment, filed July 1, 2005. Plaintiff filed a response in opposition on August 15, 2005. On January 27, 2006, Defendant filed a second Motion for Summary Judgment, in which it stated:

On July 1, 2005 [Defendant] filed a Motion for Summary Judgment based upon the amended Scheduling Order entered by this Court on April 21, 2005 (Docket No. 16). The basis for the Motion was that Plaintiff had failed to produce any expert testimony regarding causation of his alleged injuries. In response, Plaintiff filed a Motion to Continue and Amend the Scheduling Order, requesting additional time with which to obtain the requisite expert testimony. This Court granted the Motion to Continue and Amend Scheduling Order on July 27, 2005 (Docket No. 22). As a result, [Defendant's] first Motion for Summary Judgment on that issue was rendered moot.

(Mem. Supp. Def.'s Mot. Summ. J. at 1 n.1.)

Accordingly, Defendant's first Motion for Summary Judgment, filed July 1, 2005, is DENIED as MOOT.

So ORDERED this 31st day of January, 2006.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE